

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CHARLES BECOAT,

Plaintiff(s),

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al.,

Defendant(s).

Case No. 2:15-CV-2144 JCM (PAL)

ORDER

Presently before the court are Magistrate Judge Leen's report and recommendation (ECF No. 7) regarding that court's review of plaintiff Charles Becoat's motion for leave to proceed in forma pauperis.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party fails to object to a magistrate judge's report and recommendation, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any issue that is not the subject of an objection.").

Nevertheless, this court finds it appropriate to engage in a *de novo* review to determine whether to adopt the recommendation of the magistrate judge.

Upon review of plaintiff's application to proceed in forma pauperis, (ECF No. 4) 28 U.S.C, § 1915, and both LSR 1-1 and 1-2 of the Local Rules of Practice, this court finds that the magistrate

1 judge was correct in her analysis of plaintiff's motion. Indeed, plaintiff has included neither a
2 certified financial certificate nor a copy of his inmate trust account statement with his application.
3 (ECF Nos. 4, 7). These materials are essential for a motion to proceed in forma pauperis. *See* 18
4 U.S.C. § 1915; *see also* LSR 1-2. Therefore, plaintiff's omission of these materials is fatal to his
5 current motion to proceed in forma pauperis. *Id.*

6 Accordingly,

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
8 recommendation of Magistrate Judge Leen, (ECF No. 7) be, and the same hereby are, ADOPTED
9 in their entirety.

10 IT IS FURTHER ORDERED that plaintiff's motion to proceed in forma pauperis, (ECF
11 No. 4) be, and the same hereby is, DENIED without prejudice.

12 DATED October 4, 2016.

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14 UNITED STATES DISTRICT JUDGE
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